

## Component 5: Prepare Report and Notify Landowners of Compliance Status

- A) Following completion of records review and or on-site evaluation, prepare and Issue NR 151 Status Report to owners of the evaluated parcels. This Report will convey, at a minimum, the following information:
- Current status of compliance of individual parcels with each of the performance standards and prohibitions.
  - Identify corrective measure options and rough cost estimates to comply with each of the performance standards and prohibitions for which a parcel is not in compliance.
  - Status of eligibility for public cost sharing.
  - Grant funding sources and technical assistance available from Federal, State, and local sources, and third party service providers.
  - An explanation of conditions that apply if public cost share funds are used. *(If public funds are used, applicable technical standards must be met.)*
  - Signature lines indicating landowner agreement or disagreement with report findings.
  - Process and procedures to contest evaluation results to county and or state.
  - (Optional) A copy of performance standards and prohibitions and technical design standards.

*Note: A cover letter (signed jointly by the DNR and LCD) which describes the ramifications and assumptions related to the Status Report would be attached.*

**Question 7:** Will your County prepare and issue NR 151 Status Reports for landowners for whom you have completed evaluations?

24 Yes	7 No	30 Unsure
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Comments for "Yes" Responses:

Chippewa	This is now being done. A copy of the Status report will be forwarded for your agency review.
Washington	NOTE: We have created sample letters and reports for this. We are willing to share them if anyone is interested.

County	If No or Unsure, Please Describe Why.
Ashland, Bayfield, Douglas, Iron	Would prefer to be the technical assistance tool; letter would be more regulatory. Better to separate.
Brown	Brown County will implement state standards that are consistent with existing County Ordinances: Animal Waste Management, Agriculture Shore land Management, Floodplains and Shore lands ordinance provisions related to Buffer Strips. All other work needed to conform to state standards will be conditional upon receiving staff funding from State of Wisconsin unless it is located in an active Priority Watershed Project (with staffing and cost share provided by state) and is an eligible practice.
Buffalo	A report of the findings to the landowner would probably be something we would do. However a determination of compliance to a landowner would not be something we would do. Just because the LCD might determine a landowner to be in compliance now, what is to say that there is not a natural cause out of the control of the landowner that could occur and he would no longer be eligible for cost share funds at a later date. The topography of Buffalo County is such that things like this happen often. Gullies form from stable sites in short periods of time. I don't think the staff in our office should be responsible for opportunities or lack of opportunities for cost share funds in the future.
Calumet	We will need to see the proposed form before answering this question. There seems to be a lot of information required on this form, is it all needed? There can be a number of types of corrective options (and cost sharing sources) for any one site and listing all of this information for each option could be very time consuming and tedious. Limited staff resources will affect the number of these that we complete on an annual basis.

<b>Clark</b>	Need additional staff. Initial stages of enforcement will be avoided by LCD.
<b>Columbia</b>	(Answered "Yes") Yes, again based on priorities in LWRM.
<b>Crawford</b>	Willing to comply with the intent of full disclosure to the landowner but in a Simple, Clear, & Direct manner
<b>Dane</b>	Hope to address in our revised LWRM plan.
<b>Dodge</b>	(Answered Yes) But we will insist on joint DNR/LCD signature on the Status Report letter
<b>Dunn</b>	This appears to be a time consuming process that will take time away from technical assistance. We would be happy to do it if the state has the money to provide ample staff. If we're expected to do this with current staff I think our time is better spent providing traditional assistance.
<b>Eau Claire</b>	1st issue is if the LCD develops a status report, often the state come along later with the excuse of 'consistency' and forces us to re-do all the paperwork. We want to avoid this unnecessary workload. If the landowner disagrees, what is the recourse?
<b>Fond du Lac</b>	If a landowner would not cooperate on a serious problem sites we would probably forward the name to DNR for Action. Don't count on any jointly signed letter from LCC. Enforcement is DNR's responsibility..
<b>Grant</b>	Most probably but again depends on availability of staff. (e-file) Depends on staff availability or number of complaints (hard copy)
<b>Green</b>	Cost issues? Staff dependent? Will state draft the letters?
<b>Iowa</b>	Most probably. Staff dependent and a cost issue.
<b>Juneau</b>	(Answered "Yes") Availability of funds and staff.
<b>Kenosha</b>	Without more information defining the responsible agencies involved, Kenosha County is unsure of the role it will have in status report preparation.
<b>Lafayette</b>	Would like the state to draft such letters.
<b>Langlade</b>	(Didn't answer but comments suggest "No") Something the county can't do because of lack of funding and staff.
<b>Manitowoc</b>	Assessing this process at this time. Concerned that it doesn't create a workload in itself like HEL & Wetland Evaluation did for NRCS. We intend to do a process for critical sites, in priority areas.
<b>Marathon</b>	Will start as it fits the workload. Staff availability will determine level.
<b>Marquette</b>	It would take added staff to even get in the position to issue status reports
<b>Outagamie</b>	(Answered Yes) NOTE*** We say "yes" based on the idea that the State would "fully" support our evaluations. We are also concerned that other partner agencies must also agree to the evaluations. We must be consistent in our information and stance.
<b>Polk</b>	(Answered Yes and No, counted as Yes based on this and previous comments.) Again as related to county/state programs.
<b>Portage</b>	Would be willing if the State drafted a form for the County to use to satisfy this component
<b>Price</b>	We aren't doing the status reviews systematically.
<b>Racine</b>	Depends on the requirements and time constraints.
<b>Richland</b>	I will have to discuss it with the committee. It also depends on staff availability and budgets
<b>Rock</b>	This will be dependant on the availability of staff and support funding from all sources.
<b>Rusk</b>	It depends on how we handle every step up to this one and on county LWCC and Board Support and who pays.
<b>St. Croix</b>	We feel it is the responsibility of the DNR to develop and create the report documents. The county will fill out the form and distribute the information to the landowner! However, we may offer that this be a joint signature by LWCD and DNR!
<b>Sheboygan</b>	There is not a sufficient conservation planning process to substantiate corrective measures and cost estimates.

	However, at a minimum we could provide a limited evaluation status report.
<b>Taylor</b>	We believe this component is necessary, but should be the responsibility of DNR or DATCP.
<b>Vernon</b>	This has not been reviewed with my committee members yet.
<b>Vilas</b>	Same reasoning as listed for Question 6; To date, I am unclear as to exactly what this process entails to commit to doing it. In addition, whether our departmental staff has the time to do this task effectively at this point is an open ended question.
<b>Waushara</b>	(Same Answer as for Question 6) Politically, I do not believe this may be acceptable with the County Board or LCC. Targeting specific landowners may not be acceptable.
<b>Winnebago</b>	Not if it includes a requirement for a landowner signature and/or the 'jointly signed' cover letter described above. That would be one of the fastest methods of destroying the cooperative, working relationships that we have established, through long and hard work, with our landowners. We have a proven, historical record of BMP implementation and nonpoint abatement through a cooperative, 'non-threatening', 'firm, but fair' approach in working with our landowners. We do not need a jointly signed cover letter, nor do we need a requirement for a landowner signature to accomplish what we need to accomplish. Simply put, we won't do it, even if that means relinquishing whatever state funding we might be eligible for.
<b>Wood</b>	Will probably do this.

B. Keep and maintain evaluation and compliance information as public record.

*Note: The primary objective of this step is to ensure subsequent owners are made aware of (and have access to) NR 151 information pertinent to their property. Local authority may determine the method that will work best for maintaining these records and for ensuring relevant information is conveyed to subsequent owners*

**Question 8:** Will your County keep and maintain evaluation and compliance information as public record?

26 Yes	3 No	32 Unsure
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County	If YES, describe how you would propose that subsequent landowners be provided this information or made aware that such information exists and is available? Also indicate whether or not you believe disclosure laws will affect your ability to provide this type of information.
<b>Adams</b>	We will document the status reviews and on-site visits and state on the documentation results of the visit, funding and technical sources, and producers request or denial for assistance. This will be kept in a case file and release of the information will follow Adams County procedures
<b>Burnett</b>	Don't know at this time-caveat emptor –may be able to flag transfers-don't think disclosure laws make a difference, they would be owner of record
<b>Calumet</b>	Awareness will need to be created through our information and education program. Subsequent landowners will need to request the information from us. Limited staff and technological resources preclude us from tracking ownership changes and contacting the new owners on an individual basis to provide this information.  If the evaluation or compliance determination is made or filled out by our partnering agency, NRCS, there may be some problems regarding disclosure.
<b>Chippewa</b>	Evaluation reports will be maintained as hardcopy in the Land Conservation Department, filed by location. A database will be maintained. New landowners will be notified after time of sale on an annual basis. Real estate disclosure laws should be used to require realtors to disclose whether or not an evaluation has been conducted and the status of compliance.

<b>Crawford</b>	Comply with existing open records requirements as a matter of current county policy. Include in current I & E efforts
<b>Fond du Lac</b>	Our LWRM plan revision date is Aug. 2007. At that time it will depend on available staff, cost sharing, and the existing workload. We do support the concept.
<b>Jackson</b>	Some federal privacy act rules will not allow us to obtain some information
<b>Kewaunee</b>	We really don't have an idea yet, however...we would make an effort through periodic newspaper articles and county-wide newsletter articles. We're open to other suggestions as well. We have not discussed the "Freedom of Info" ramifications as yet with our Corp. Counsel and local NRCS staff.
<b>Manitowoc</b>	Have not worked up the details of this process
<b>Marinette</b>	Yes. Disclosure laws will affect our ability to provide this type of information. We will have to decide how the information would be stored and disseminated. This depends to a great extent on what information will require storage and dissemination
<b>Monroe</b>	Not sure
<b>Ozaukee</b>	Notification letter.
<b>Pepin</b>	Buyer beware!!! I would inform local realtors of our information.
<b>Polk</b>	We will develop a tracking program that as parcels are found to be in compliance, a number code on their tax parcel would trigger a review letter be sent to the new landowner. On the rental property we are not sure, but again our position is those parcel that have the greatest potential within the 300 foot from surface waters as our targeted area.
<b>Rock</b>	During the initial and subsequent contacts, landowner will be made aware that copies of all reports will be forwarded to them after the reports are completed. In regards to making records public, the Corporation Counsel will be made aware of any request under the Freedom of Information Act and will facilitate in the decision as to what information should be made public, if any.
<b>Sauk</b>	Do not know [how subsequent landowners would be provided this information or made aware that such information exists and is available].  No, [do not you believe disclosure laws will affect county's ability to provide this type of information], our corporation counsel identifies these as public records liable to the Wisconsin Open Records Laws. We could have concerns if NRCS records need to be treated differently.
<b>Trempealeau</b>	We will inform the ag lenders, realtors, title search industry, attorneys, etc. of the requirements of nr-151. We will encourage these professions to add this data to title searches for title insurance purposes.
<b>Walworth</b>	Issue notice if compliance with signature from landowner through a certificate (1 <sup>st</sup> hard copy survey)  Land owners sign notice of compliance (2nd hard copy survey)
<b>Washburn</b>	This as well as all of the information that we handle is considered public record. Will we specifically notify subsequent landowners? No
<b>Washington</b>	In order to provide new owners with pertinent information, we will have to maintain accurate and permanent records. It is also important if we are to report progress to our County officials and state agencies. We have already developed a database system for tracking and reporting NR 151 compliance. This database is being linked to the county GIS, and therefore all information concerning compliance will be tied to tax parcels, and therefore owners. (Again, if anyone is interested in what we have, we are willing to show them)  To notify new owners of compliance determinations and activities, we will obtain a list of land transactions from the Real Property Lister at the end of each year and cross-reference it with those tax parcel for which we have compliance information. We will mail the new owners a letter explaining pertinent information and/or where to go to get such information.  The LCC feels that records we keep concerning NR 151 compliance must be open to the public. The LCC is dismayed to hear that NRCS may not be able to provide the County with status review and compliance information that may assist the County and state in implementing standards and prohibitions.

<b>Waukesha</b>	Open Record Law requires it. Because subsequent property owners are usually non-agricultural interests (developers), this is not much of an issue for our county.
<b>Waupaca</b>	Not determined at this time.
<b>Waushara</b>	All of our records are public records, all people have to do is ask.
<b>Winnebago</b>	We will provide that information to subsequent landowners as we are notified, or otherwise become aware of the ownership changes. Re; ' disclosure laws', it depends on what laws you are referring to. On the surface, we do not see a problem.

<b>County</b>	<b>If No or Unsure, Please Describe Why.</b>
<b>Ashland, Bayfield, Douglas, Iron</b>	What will this entail – how much time required?
<b>Brown</b>	Brown County will implement state standards that are consistent with existing County Ordinances: Animal Waste Management, Agriculture Shore land Management, Floodplains and Shore lands ordinance provisions related to Buffer Strips. All other work needed to conform to state standards will be conditional upon receiving staff funding from State of Wisconsin unless it is located in an active Priority Watershed Project(with staffing and cost share provided by state) and is an eligible practice
<b>Buffalo</b>	This type of information would be included with a landowners conservation plan. If it is determined that the conservation plan is not public information then it would not be public record here in Buffalo County. The LCD in Buffalo County share the conservation plans with NRCS and FSA. The LCD includes all our program activity and site visits in the conservation farm plan. Installed structural practice work through county and state programs are noted on the aerial photos in the conservation farm plan and Farmland Preservation spot-check information is in the landowners conservation plan.
<b>Clark</b>	Public Record Laws issues.
<b>Dane</b>	Hope to address in our revised LWRM plan
<b>Dodge</b>	We don't know how we would go about tracking/monitoring landowner changes on a regular and county-wide basis.
<b>Dunn</b>	We can notify new landowners of compliance but because we share files with NRCS the actual conservation plans are now confidential information and therefore not a matter of public record.
<b>Eau Claire</b>	Will you pay for computers and file cabinets for these and pay for the staff time to do all this?
<b>Grant</b>	Is compliance/non-compliance information public record? If both the evaluation and compliance records are public record, we would probably color code the folders in some way and, given enough time, would probably be able to accomplish that with existing staff (e-file)  I wonder if compliance records would be public records. If they are, office staff is available to assemble records in color-coded folders. Could we do with existing staff? (hard copy)
<b>Green</b>	Is compliance information public record?
<b>Green Lake</b>	We will be discussing the entire issue of public records with USDA and corporation counsel for the county.
<b>Iowa</b>	Is compliance info public record – again, staff and budget dependent (e-file and hard copy)
<b>Jefferson</b>	Are the counties responsible for creating new tracking databases?
<b>Juneau</b>	We will keep records of landowners/not sure if we can give out info to others.
<b>Kenosha</b>	Kenosha County would like to adopt a wait and see approach to record handling and discover how the disclosure laws will be interpreted.
<b>Lafayette</b>	Where would this info be kept? NRCS might have something to say about it if it were to be kept in farm plan folders. Also, something you need to be aware of is that we are not notified when land changes hands. As a matter of fact we

	are one of the last ones to find out. Counting on us to notify new landowners is not wise.
<b>Langlade</b>	Something the county can't do because of lack of funding and staff.
<b>Marathon</b>	We need to develop a system to tie the information to the county land records system in order to keep up with parcel splits and transfers.
<b>Oconto</b>	Unsure of software for this use, we do not have "Tool Box" yet and I am not sure we could let the public on it if we did for security reasons. Public request would have to take a few days to be honored with the LCD staff doing the research. Unsure about public disclosure laws. Initially all files would be hard copy until we developed "Tool Box" and then worked out a public access port. So access would be a slow process and landowner by landowner search could be provided upon early request so there was time allotted for staff to look up.
<b>Outagamie</b>	We are concerned with the legal ramifications of the County being the keeper and/or supplier of information from such records. There seems to be questions about this already with Federal agencies denying access to such records as they feel they could be held liable by landowners if that information is used against them in some way.
<b>Portage</b>	For subsequent landowners, the State should work with the Realtors Assoc. to have a compliance disclosure check-off incorporated into their real estate transfer documents
<b>Price</b>	WHY DIDN'T YOU GUYS FIGURE OUT THE WAY TO INFORM SUBSEQUENT OWNERS AND IF DISCLOSURE LAWS APPLY? GEE WHIZ, ITS YOUR PROGRAM. GIVE US A BREAK. (e-file)
<b>Racine</b>	Depends on the requirements and time constraints.
<b>Richland</b>	I would need to discuss it with our corporation council as far as the disclosure laws go.
<b>Rusk</b>	It depends on how this would be affected by the Open Records Law and the Privacy Act.
<b>St. Croix</b>	This will have to be discussed with our Corporation Counsel to determine if there is an issue with the disclosure laws
<b>Sheboygan</b>	The cost would be prohibitive-such as the cost of filing with the register of deeds-\$14 per page legal descriptions
<b>Taylor</b>	Depending on the number of landowners in any particular county, and how often a particular parcel changes hands, implementing this step may be a logistical nightmare. This is definitely something the county cannot presently take on with the limited staffing available.
<b>Vernon</b>	I haven't checked with Corp Counsel yet on the disclosure laws.
<b>Vilas</b>	(Same answer as Question 6 and 7) To date, I am unclear as to exactly what this process entails to commit to doing it. In addition, whether our departmental staff has the time to do this task effectively at this point is an open ended question.
<b>Wood</b>	Probably

LaCrosse Co.: No submission. New county structure; uncertain how will proceed

Lincoln Co.: No submission, but sent letter. Does not want to commit without additional information about state commitment and funding.

Menomonee Co.: Does not see need for ag performance standards (300 ac. classified as ag use; 0% soil erosion rate.

Pierce Co.: No submission, but sent letter. LCC not able to commit to implementation activities but willing to discuss future role.